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## **An Act To Protect the Lives and Health of Members of the Maine National Guard**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** members of the Maine National Guard are being sent into military conflicts throughout the world; and

**Whereas,** the health and lives of Maine National Guard members are at constant risk; and

**Whereas,** it is essential to reduce these risks as soon as possible; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 37-B MRSA c. 8-A** is enacted to read:

### **CHAPTER 8-A**

### **Commission to Protect the Lives and Health of Members of the Maine National Guard**

#### **§ 531. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Center for disease control.** "Center for disease control" means the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

**2. Commission.** "Commission" means the Commission to Protect the Lives and Health of Members of the Maine National Guard established in section 532.

**3. Maine National Guard.** "Maine National Guard" includes the Maine Army National Guard and the Maine Air National Guard.

#### **§ 532. Commission to Protect the Lives and Health of Members of the Maine National Guard; established**

The Commission to Protect the Lives and Health of Members of the Maine National Guard is established.

**1. Composition of commission.** The commission consists of:

- A. The Adjutant General, who serves ex officio;
- B. The director of the center for disease control, who serves ex officio;
- C. The Director of the Bureau of Maine Veterans' Services, who serves ex officio;
- D. A physician licensed in the State with experience and knowledge of preventive care, appointed by the President of the Senate from a list provided by the Maine Medical Association or its successor organization;
- E. A pharmacist licensed in the State, appointed by the Speaker of the House;
- F. A retired Maine veteran who has served in a war zone, appointed by the Speaker of the House;
- G. A family member of a deceased military person from the State who died from a noncombat cause while serving in a military capacity, appointed by the Governor;
- H. A disabled Maine military person with a major noncombat disability suffered while serving in a military capacity, appointed by the President of the Senate; and
- I. A psychologist licensed in the State, appointed by the Governor.

**2. Advisory members.** The Chief Medical Examiner within the Attorney General's office shall serve as a nonvoting advisory member. The Director of the Department of Veterans Affairs Medical at Togus Hospital or the director's designee may serve as a nonvoting advisory member.

**3. Terms.** Each commission member must be appointed to a 3-year term, except ex officio members, except that the terms of the initial members are staggered as follows.

A. The initial appointments made by the President of the Senate are for 3 years. The initial appointment of the retired veteran made by the Speaker of the House pursuant to subsection 1, paragraph F is for 2 years. The initial appointment of the family member of a deceased military person who died from a noncombat cause pursuant to subsection 1, paragraph G is for 2 years. The initial appointments of the psychologist and the pharmacist are for one year. All appointments after the initial appointments are for 3 years.

B. Ex officio members shall serve on the commission as long as they hold their offices. Other members serve until their replacements have been appointed. Members may be reappointed following the expirations of their terms.

**4. Chair.** The Governor shall appoint the chair of the commission from among its membership, who may not be an ex officio member of the commission.

**5. Compensation.** Members of the commission, except ex officio members, are paid a per diem and compensated for expenses at the same rates provided to Legislators under Title 5, chapter 379.

### **§ 533. Responsibilities of the commission**

**1. Responsibilities.** The commission, with assistance from the department and the center for disease control, shall:

A. Review all the preventive health care treatment practices and protocols, including, but not limited to, physical and emotional screenings, vaccinations, electrocardiograms and physical examinations as they apply to members of the Maine National Guard in different age groups;

B. Review the vaccinations and other medications currently provided to members of the Maine National Guard, particularly those that produce allergic reactions and dangerous side effects, and compare the vaccinations and medications with those recommended by the National Institutes of Health, the United States Food and Drug Administration and other sources of standards of medical care;

C. Propose recommendations and seek approval from the Armed Forces of the United States for safer health care practices and protocols to be administered to members of the Maine National Guard;

D. Propose and seek approval from the Armed Forces of the United States for the Maine National Guard to retain a copy of the medical records of each member of the Maine National Guard who is sent to active duty;

E. Provide for the education of members of the Maine National Guard and other military personnel, especially medical staff, with respect to safer and more effective health care practices and protocols;

F. Assist the families of Maine National Guard members who died in military service from noncombat causes, including suicide, to obtain accurate and timely information in regard to the deaths of the Maine National Guard members;

G. Provide for the cooperation and coordination of assistance between the Maine National Guard and the center for disease control with respect to this chapter;

H. Work with the Bureau of Maine Veterans' Services to track the care of the wounded Maine National Guard members within the health care systems of the United States Department of Defense and the United States Department of Veterans Affairs and serve as an advocate to ensure a high quality of care; and

I. Assist the Maine National Guard in ensuring appropriate demobilization procedures and follow-up for Maine National Guard members related to mental health issues, including, but not limited to, substance abuse and post-traumatic stress disorder.

**2. Commission reports and recommendations.** The commission shall report its findings and recommendations, including any necessary legislation, to the Governor and the joint standing committees of the Legislature having jurisdiction over legal and veterans affairs and health and human services matters.

A. The commission shall prepare a preliminary report for the Governor and Legislature regarding its efforts under this section by April 1, 2008.

B. The commission shall issue a complete report regarding its efforts under this section by December 15, 2008 and annually by December 15th thereafter.

### **§ 534. Public hearings**

The commission shall meet at least 4 times a year, including at least one public hearing a year at which Maine National Guard members and their families, former Maine National Guard members and their families and members of the public may testify and present concerns and recommendations for the commission to consider.

### **§ 535. Assistance from state agencies**

The Commissioner of Defense, Veterans and Emergency Management and the Commissioner of Health and Human Services through the center for disease control shall coordinate their resources and provide assistance, including staff assistance, research, reports and other assistance, to the commission in order to provide a higher standard of preventive care to members of the Maine National Guard.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## **SUMMARY**

This bill creates the Commission to Protect the Lives and Health of Members of the Maine National Guard. The commission consists of 9 voting members and one or 2 advisory nonvoting members. The intent of the bill is to provide through the commission a higher and safer standard for preventive medical practices and health screenings administered to members of the Maine National Guard than currently exists.

The commission, working with the Department of Defense, Veterans and Emergency Management and the Department of Health and Human Services, Maine Center for Disease Control and Prevention, is required to review all preventive health care treatment practices and protocols and vaccinations and other medications administered to members of the Maine National Guard and propose recommendations to the Armed Forces of the United States regarding safer health care practices and medications.

The commission shall also assist veterans' families who have members who have died while in the Maine National Guard to obtain accurate and timely information regarding the deaths. The commission shall track the care of wounded Maine National Guard members and help ensure good care.

The commission must hold at least 4 public hearings a year to obtain information, including information provided by veterans and their families in regard to the issues that the commission is required to address.

Commission members include, among others, a physician, a psychologist, a pharmacist, a retired veteran who has served in a war zone, a family member of a deceased military person who died while

serving in the Maine National Guard and a disabled veteran who suffered a disability while serving in a military capacity.

The commission must issue its first complete report by December 15, 2008 and an annual report thereafter.